

Notice

The Montgomery Circuit, Superior and County Courts have published proposed modifications and additions to local rules, which may be examined in the office of the Clerk of Montgomery County, on the Clerk's website (www.montgomeryco.net), and on the Indiana Judicial website (www.in.gov/judiciary/rules/local).

Comments may be submitted by the bar and public until May 1, 2005. Comments should be sent to the Honorable David A. Ault, Montgomery Superior Court, 100 E. Main Street, Crawfordsville, Indiana 47933, or by facsimile to 765-364-6465, or by e-mail to judge.ault@montgomeryco.net.

Proposals will be adopted, modified or rejected by July 15, 2005.

The effective date of the proposed rules shall be January 1, 2006.

Proposed Local Rules

For

**Montgomery Circuit,
Superior and County Courts**

Local Civil Rules

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~~Local Rule 1~~
~~LR54-AR00-1~~

Civil Case Assignments

~~Pursuant to I.C. 33-5-36.6-9 and Trial Rule 81 of the~~
~~Indiana Rules of Procedure,~~ Civil actions and proceedings in the
Montgomery Circuit, Superior and County Courts shall be assigned
among the courts as follows:

A. Montgomery Circuit Court: Any civil ~~and criminal~~
actions or proceedings and all juvenile actions or proceedings.

B. Montgomery Superior Court: Any civil ~~and criminal~~
actions or proceedings; all probate actions or proceedings; and
all civil domestic relations proceedings in which the Prosecuting
Attorney has appeared ~~by virtue of his duties under~~ pursuant to
42 USC Section 602(a)(26), as amended ("Title IV-D" proceedings);
~~and all criminal proceedings for non-support of dependent~~
~~children (I.C. 35-46-1-5).~~

C. Montgomery County Court: All civil cases founded on
contract or tort in which the ~~debt or damage~~ claimed does not
exceed the statutory jurisdictional amount; all possessory
actions between landlord and tenant in which the ~~past due rent~~
claim does not exceed the statutory jurisdictional amount; all
actions for possession of property where the value of the
property sought to be recovered does not exceed the statutory
jurisdictional amount; and all ~~misdemeanor~~, infraction and
ordinance violation cases.

~~LOCAL RULE 2~~
LR54-AR00-2

Court Hours

A. 2.1 The Montgomery Circuit and Superior Court offices shall be open from 8:30 a.m. until 4:30 p.m., Monday through Friday, legal holidays excluded, and at such other hours as each Court may from time to time order.

B. 2.2 The Montgomery County Court office shall be open from 8:30 a.m. until 4:30 p.m., Monday through Friday, legal holidays excluded, unless otherwise set by the Court, and shall be open on the first and third ~~Tuesday~~ Wednesday of each month from 4:00 p.m. until all docketed cases are resolved.

C. 2.3 The office of the Clerk of Courts shall be open from 8:30 a.m. until 4:30 p.m. ~~on all days except Saturdays, Sundays and legal holidays~~ Monday through Friday, legal holidays excluded, but may be closed on days that the Judge of the Circuit Court orders the Court closed in accordance with the custom and practice of the Court, or as may be dictated by the necessity of the situation. Any legal action required to be taken in the office of the Clerk during the time the office is closed may be taken on the next following day the office is open.

D. 2.4 When weather conditions require or other emergencies arise, any Court closing shall be made by the Judge of the Court after consultation with ~~county officials~~ County Commissioners and the Sheriff. The Court shall make every effort to contact litigants scheduled for Court.

~~LOCAL RULE 10~~
~~LR54-AR00-3~~

Trials

A. ~~10.1~~ Jury trials shall begin promptly at 9:00 a.m. unless otherwise directed by the Court. The attorneys and the litigants shall report at 8:30 a.m. on the first day of trial and thereafter as the Court shall direct.

B. ~~10.2~~ Court trials and hearings shall begin promptly at the time assigned. The attorneys and the litigants are encouraged to arrive substantially in advance of the scheduled time for the purpose of entering into any last-minute stipulations or agreements.

~~LOCAL RULE 11~~

~~Protective Orders~~

~~11.1 DEFINITIONS: For the purpose of this rule the following definitions shall apply:~~

~~A. Order: Any order defined in I.C. 5-2-9-2.1 or issued under I.C. 34-4-5.1.~~

~~B. Notice: "Notice of Filing of Protective Order" as provided by the Office of the Montgomery County Clerk, or as prepared by a petitioner for an order or by petitioner's attorney.~~

~~12.2 FILING OF NOTICE: No order as defined in this rule shall be issued unless a fully prepared original and two (2) copies of the required notice for each protected person are filed by the person or party defined below:~~

~~_____ A. In civil proceedings the person or attorney~~
~~_____ requesting the order shall prepare and file the~~
~~_____ notice. This rule shall apply for all new filings~~
~~_____ and for requests made in currently pending~~
~~_____ matters.~~

~~_____ B. In criminal pre-trial release or diversion matters~~
~~_____ the Prosecuting Attorney shall prepare and file the~~
~~_____ notice at the time an order is requested, provided,~~
~~_____ however, that the Sheriff of Montgomery County shall~~
~~_____ prepare the notice when an order is issued pursuant to~~
~~_____ the Montgomery County Bail Bond Schedule.~~

~~_____ C. In cases involving conditions of probation the~~
~~_____ Probation Officer assigned to the specific case shall~~
~~_____ prepare and file the notice at the time the order is~~
~~_____ requested.~~

~~_____ D. In Juvenile Delinquency matters the Prosecuting~~
~~_____ Attorney shall prepare the notice at the time an order~~
~~_____ is requested. In Juvenile CHINS matters the person or~~
~~_____ attorney requesting the order shall prepare the~~
~~_____ required notice at the time the order is requested.~~

~~_____ 11.3 COURT: All petitions filed by a married person for an~~
~~_____ order against a spouse shall be filed in either Superior~~
~~_____ or Circuit Court. Petitions for an order against a person other~~
~~_____ than a spouse may be filed in County Court, as well as in~~
~~_____ Superior or Circuit Court.~~

~~_____ 11.4 CONFIDENTIALITY: All matters contained in the~~

~~notice which identify the address, telephone number or location of the protected person shall be confidential, and may not be disclosed to any person restrained or to any other person, except as is necessarily required to be disclosed to any law enforcement agency, or to court personnel in the conduct of official duties, or by specific order of the Court.~~

~~—— 11.5 EMERGENCY ORDERS: If a person requesting and obtaining an order believes that an emergency exists such that the Sheriff or municipal law enforcement agency should be immediately notified of the issuance of the order, the person requesting the order may obtain a copy of the order enclosed in an envelope marked "CONFIDENTIAL" and "DEPOSITORY" and personally deliver said orders and notices to the Sheriff and the municipal law enforcement agency. The law enforcement agencies shall receive any such notice as if it were served upon them by the Clerk.~~

~~—— 11.6 CHANGE OF ADDRESS: The person protected by an order shall advise the Sheriff of Montgomery County of all changes in address or telephone number. Further, if the protected person changes address from the municipality in which he resided at the time of the issuance of the order, then the protected person shall file with the Clerk a corrected notice with a copy of the original order, with sufficient copies thereof for distribution by the Clerk.~~

LOCAL RULE 15
LR54-AR00-4

Briefs and Memoranda

Authorities relied upon which are not published in the

"National Reporter System Second Series" shall be attached to the brief. If the authority is cited for the first time in oral argument, a copy of the authority shall be provided to the Court at the time of the argument. Sufficient copies shall be available to provide counsel for each party with a copy.

~~LOCAL RULE 16~~
~~LR54-AR10-5~~

~~Custody and Disposition of Models and Exhibits~~

A. ~~16.1~~ After being marked for identification, models, diagrams, exhibits and material offered or admitted in evidence in any cause pending or tried before the Court shall be placed in custody of the Court Reporter unless otherwise ordered by Court.

B. ~~16.2~~ All models, diagrams, exhibits, or materials placed in the custody of the Court Reporter shall be removed by the parties offering them in evidence, except as otherwise ordered by the Court, within sixty (60) days after the case is decided unless an appeal is taken. In all cases in which an appeal is taken, they shall be removed within thirty (30) days after the appeal is finally resolved. At the time of removal, a detailed receipt shall be given to the Court Reporter and filed in the cause.

C. ~~16.3~~ Failure to comply with ~~MCLR 16.2~~ this section will result in the Court determining the model or exhibit abandoned and disposing of the model or exhibit as the Court deems appropriate.

D. ~~16.4~~ In all contested trials, the attorneys shall prepare and submit to the Court Reporter a ~~typewritten~~ schedule

of exhibits. Attorneys shall pre-mark all exhibits. Plaintiffs and petitioners shall use numerals and defendants and respondents shall use letters.

~~LOCAL RULE 18~~
~~LR54-AR00-6~~

Decorum

A. 18.1 The attorneys shall be punctual, shall arrive at court early for hearings, and shall instruct clients and witnesses to be present before a hearing or trial is scheduled so that the Court's business may move with dispatch.

B. 18.2 The attorneys, parties and witnesses shall dress in a manner which is appropriate to the dignity and the formality of the Court.

C. 18.3 ~~Lawyers and litigants~~ The attorneys, parties and ~~their~~ witnesses shall conduct themselves in Court in a restrained and dignified manner. No person should lean on the bench nor sit on counsel tables.

D. 18.4 No person while in the courtroom shall smoke, chew tobacco, eat, or drink, ~~read newspapers or magazines, or~~ ~~converse in any way~~ No person shall converse, read material or use a computer or other electronic devices in a manner which might be offensive or distracting to the Court or any other person present in the courtroom. Attorneys and parties who find it necessary to converse during the course of a hearing or a trial shall do so as quietly as possible and in tones calculated not to distract, disturb or influence the Court or any other person present in the courtroom.

E. Cell phones and pagers are strictly forbidden in the courtroom. Persons shall report the possession of such devices when reporting to the office of the Court, prior to entry into the courtroom, and follow the directives of court personnel.

F. 18.5 Entering and leaving the courtroom should be done as infrequently and unnoticeably as possible.

G. 18.6 The offices of the Court, of the Judge and the Court staff are not to be considered by the attorneys, litigants, or other parties as their own private offices or as being readily available for the use of the attorneys, litigants or other parties. The Court and its staff will assist attorneys as it is convenient, but the attorneys ~~have no right to~~ should not expect the Court staff to ~~yield up~~ relinquish their telephones, ~~typewriters~~ computers, copiers, desks, or their time ~~to the attorneys~~ for the attorneys' use or benefit. The Court and its staff ~~have their own work to do and can~~ should reasonably expect to ~~do that~~ perform their work without distraction or interference from attorneys, litigants or other parties.

H. 18.7 Lawyers shall not talk to or in any way distract the Court Reporter during hearings in which the lawyers are not participating.

**~~LOCAL RULE 21~~
~~LR54-AR00-7~~**

Body Attachment

A. 21.1 ~~BODY ATTACHMENT.~~ Upon failure of a judgment debtor, ~~or~~ garnishee defendant, or child support obligor (herein referred to as judgment debtor) to appear as ordered for a

scheduled hearing, the judgment creditor, including child support obligee (herein referred to as judgment creditor) may request a body attachment as to said person. A body attachment shall be issued only when:

- (1) ~~A.~~ The judgment debtor ~~or garnishee defendant~~ previously ordered to appear for a scheduled hearing was personally served with notice or notified in open court of the ~~contempt~~ hearing;
- (2) ~~B.~~ The request for body attachment is filed within thirty (30) days of the ~~hearing at issue;~~ failure to appear and
- (3) ~~C.~~ The judgment creditor provides information to enable the Sheriff to locate and identify the judgment debtor, including last known address, social security number and date of birth.

B. 21.2 ~~CONTACTING JUDGMENT CREDITOR.~~ When the judgment creditor requests the issuance of a body attachment, and as needed at any time thereafter, said creditor shall file with the Court a telephone number at which the Court may notify the creditor of the attached person's appearance in custody. Upon such appearance in custody, the Court, to the best of its ability and consistent with the continued performance of its daily responsibilities, shall:

- (1) ~~A.~~ Attempt to contact the judgment creditor at the telephone number on file with the Court; and
- (2) ~~B.~~ Thereby notify the creditor of a time later

during the same Court business day at which the attached person will be brought before the Court for questioning by said creditor.

~~C. If the Court is unable to contact the judgment creditor,~~
the The attached person shall be released ~~on bond~~ upon payment of
the escrow amount and the ~~underlying~~ proceeding ~~supplemental~~
shall be rescheduled for hearing and the judgment debtor ordered
to appear at that hearing.

~~D. 22.3 — EXPIRATION AND RECALL OF BODY ATTACHMENTS.~~

~~A. — Expiration.~~ Body Attachments attachments expire 180 days
after issuance. ~~B. Recall.~~ If during the pendency of a body
attachment, the judgment creditor desires to recall ~~said a~~ a body
attachment, ~~said the~~ judgment creditor shall: ~~i. File~~ file a
written request therefor or appear personally or by attorney and
move on the record for recall of the body attachment; and shall
~~ii. State~~ state in writing or on the record the reason for the
recall.

E. An expired body attachment may reissue upon proper
application by the judgment creditor.

~~LOCAL RULE 22~~
~~LR54-AR00-8~~

ATTORNEY'S FEES

A. 22.1 No order granting a request or prayer for attorney
fees shall be made unless such fees are allowable under
applicable law and there has been evidence furnished by testimony
of an attorney, if the application for fees is contested, or by
affidavit of an attorney, if the application is uncontested.

Such testimony or affidavit shall describe the services rendered and establish to the Court's satisfaction the amount of time expended (or to be expended) in the matter, the fact that such services and times were or are reasonably necessary considering the nature and complexity of the matter, the experience or expertise of the attorney seeking an attorney fee award, the usual and customary charges, and the reasonableness of the fees sought.

B. The Court shall not take judicial notice of reasonable fees except when requested and all the following conditions are satisfied:

- (1) A. The parties affected are notified of the request to take judicial notice so as to permit such affected parties opportunity to object to or oppose the request, unless such affected parties have been defaulted ~~for~~ or failure failed to appear;
- (2) B. The case involves only routine services; and
- (3) C.—Modest fees are sought.

C. ~~22.2~~ Judicial notice of reasonable fees shall not be taken in cases involving promissory notes or foreclosure actions. In any event, the award of attorney fees shall be within the sound discretion of the Court.

~~LOCAL RULE 24~~
LR54-AR9-9

Confidential Documents

Confidential matters shall not be set forth openly in

pleadings, either as part of the text of the pleading or as an attachment. Such matters may be incorporated by reference to materials which have been or are to be independently furnished to the Court and are held by the Court in a separate file for confidential documents, or may be submitted with the pleading and contained in a sealed envelope marked "~~confidential~~ Confidential-not to be opened without court order" and upon which the caption of the cause has been typed. All copies of the pleading shall conform to this rule.

~~LOCAL RULE 25~~
~~LR54-AR00-10~~

Law Library

No books belonging to the court library shall be removed from the library by any person other than a Judge of any of the courts, unless permission is given by one of the Judges or the Judges' law clerk. The borrower shall sign a sign-out sheet giving the borrower's name, date and time of withdrawal and where the book is taken. All books shall be returned within 24 hours; if the library is closed, the books shall be left with the Bailiff.

~~LOCAL RULE 28~~
~~LR54-AR15-11~~

COURT REPORTERS

~~The undersigned courts, comprising all of the courts of record of Montgomery County, Indiana, hereby adopt the following local rule by which court reporter services shall be governed.~~

~~Section One. Definitions.~~ ~~The following definitions shall apply under this local rule:~~

~~(1) A Court Reporter is a person who is specifically designated by a court to perform the official court reporting services for the court including preparing a transcript of the record.~~

~~(2) Equipment means all physical items owned by the court or governmental entity and used by a court reporter in performing court reporting services. Equipment shall include, but not be limited to, telephones, computer hardware, software programs, disks, tapes, and any other device used for recording and storing, and transcribing electronic data.~~

~~(3) Work space means that portion of the court's facilities dedicated to each court reporter, including but not limited to actual space in the courtroom and any designated office space.~~

~~(4) Page means the page unit of transcript which results when a recording is transcribed in the form required by Indiana Rule of Appellate Procedure 7.2.~~

~~(5) Recording means the electronic, mechanical, stenographic or other recording made as required by Indiana Rule of Trial Procedure 74.~~

~~(6) Regular hours worked means those hours which the court is regularly scheduled to work during any given work week. Depending on the particular court, these hours may vary from court to court within the county but remain the same for each work week.~~

~~(7) Gap hours worked means those hours worked that are in excess of the regular hours worked but hours not in excess of forty (40) hours per work week.~~

~~(8) Overtime hours worked means those hours worked in excess of forty (40) hours per work week.~~

~~(9) Work week means a seven (7) consecutive day week that consistently begins and ends on the same days throughout the year, i.e. Sunday through Saturday, Wednesday through Tuesday, Friday through Thursday.~~

~~(10) Court means the particular court for which the court reporter performs services. Court may also mean of all the courts in Montgomery County.~~

~~(11) County indigent transcript means a transcript that is paid for from county funds and is for the use on behalf of a litigant who has been declared indigent by a court.~~

~~(12) State indigent transcript means a transcript that is paid for from state funds and is for the use on behalf of a litigant who has been declared indigent by a court.~~

~~(13) Private transcript means a transcript, including but not limited to a deposition transcript, that is paid for by a private party.~~

A. Section Two. Salaries and Per Page Fees.

(1) Court Reporters shall be paid an annual salary for time spent working under the control, direction and direct supervision of their supervising eCourt during any regular work hours, gap hours or overtime hours. The supervising eCourt shall enter into a written agreement with the court reporters which outlines the manner in which the court reporters are to be compensated for gap and overtime hours, i.e., monetary compensation or compensatory time off regular work hours.

(2) The maximum per page fee a court reporter may charge for the preparation of a county indigent transcript shall be ~~\$3.50~~ 4.00 the court reporter shall submit a claim directly to the county for the preparation of any county indigent transcripts.

(3) The maximum per page fee a court reporter may charge for the preparation of a state indigent transcript shall be ~~\$3.50~~ 4.00.

(4) The maximum per page fee a court reporter may charge for the preparation of a private transcript shall be ~~\$3.50~~ 4.00.

(5) The maximum per page fees set forth in subsections (3), (4) and (5) shall apply only to transcripts prepared in the ordinary course of business or to be prepared within the time permitted by the Indiana Rules of Appellate Procedure. The fee per page for expedited transcripts shall be \$6.00 if the transcript is to be

prepared within two (2) weeks, and \$5.00 per page if the transcript is to be prepared within four (4) weeks.

(6) A minimum fee of up to ~~\$35.00~~ 40.00 may be charged by a court reporter for a small transcript.

(7) In addition to per page fees, a court reporter may charge the following:

(a) Index and Table of Contents pages may be charged at the per page rate being charged for the rest of the transcript;

(b) An additional labor charge approximating the hourly rate based upon the court reporter's annual court compensation may be charged for the time spent binding the transcript and the exhibit binders;

(c) A reasonable charge for the office supplies required and utilized for the binding and electronic transmission of the transcript, pursuant to Indiana Rules of Appellate Procedure 28, ~~and~~ 29 and 30, is permissible; the costs for these supplies shall be determined pursuant to a Schedule of Transcript Supplies established and published annually by the judges of the courts of Montgomery County.

(8) Each court reporter shall report, at least on an annual basis, all transcript fees received for the preparation of either county indigent, state indigent or private transcripts to the Indiana Supreme Court Division of State Court Administration. The reporting shall be made on forms prescribed by the Division of State Court Administration.

B. ~~Section Three.~~ Private Practice.

(1) If a court reporter elects to engage in private practice through the recording of a deposition and/or preparing of a deposition transcript, and the court reporter desires to utilize the eCourt's equipment, work space and supplies, and the eCourt agrees to the use of the eCourt equipment for such purpose, the eCourt and the court reporter shall enter into a written agreement which must, at a minimum, designate the following:

- (a) The reasonable market rate for the use of equipment, work space and supplies;
- (b) The method by which records are to be kept for the use of equipment, work space and supplies; and
- (c) The method by which the court reporter is to reimburse the eCourt for the use of the equipment, work space and supplies.

(2) If a court reporter elects to engage in private practice through the recording of a deposition and/or preparing of a deposition transcript, all such private practice work shall be conducted outside of regular working hours.

**~~LOCAL RULE 14~~
~~LR54-AR12-12~~**

FAX Transmission

A. ~~14.1~~ The Clerk of Courts will accept pleadings by electronic facsimile transmission ("FAX") so long as the FAX transmission complies with Trial Rule 5(~~E~~)(~~2~~)(F). The Clerk shall file-mark said pleadings on the date of receipt.

B. The party transmitting pleadings by FAX must deliver the original document to the Clerk within five (5) days by regular mail. The mailed pleading must include the original signature of transmitting counsel. ~~14.2~~ Failure to deliver the original document of the FAX transmission within five (5) days shall make such pleading subject to a motion to strike.

C. ~~14.3~~ FAX transmissions shall be sent to the following telephone number: ~~317~~ 765-364-6404.

~~LOCAL RULE 28~~
LR54-FL00-13

FAMILY COURT

A. ~~28.1~~ The Family Court Rules issued by the Indiana Supreme Court, including definitions of "Family Court" and "Family Court Proceeding", are adopted by reference.

B. ~~28.2~~ All of the courts of Montgomery County may serve as a Family Court.

C. ~~28.3~~ Cases shall be selected for Family Court upon recommendation of the Family Court Administrator and concurrence of the judges before whom each case is pending.

D. ~~28.4~~ The judges of Montgomery County shall administer the Family Court Project jointly. The judge of the Montgomery Circuit Court shall be responsible for filing required reports and coordination with the Family Court Administrator and the Boone County Family Court Project.

LR54-FL00-14

Dissolution Education Workshop

A. In any proceeding for dissolution of marriage in which

there are minor children and in any paternity proceeding in Juvenile Court, both parents shall attend the workshop entitled "Divorcing Parents: Toward the Best Interest of the Children." Attendance is mandatory for all parties in any dissolution of marriage proceeding and any paternity action if there are unemancipated children under 18 years of age. The course must be completed before the Final Hearing. The parties shall be responsible for payment of the cost of the workshop, with an allowance for waiver of the fee for indigence.

B. Failure to complete the workshop within sixty (60) days of the filing the initial petition for dissolution of marriage or determination of paternity could result in a party being required to appear before the Court to show cause why he/she should not be punished for contempt of Court.

C. A copy of this rule shall be served upon the respondent when the petition for dissolution or petition to establish paternity is served, and a copy shall be given to each petitioner by counsel, or by the Clerk if petitioner is filing pro se.

~~LOCAL RULE 3~~
~~LR54-TR5-15~~

~~Filing of Pleadings and Entry of Appearances~~

A. ~~3.1~~ All pleadings shall be filed with the Clerk of Courts with the exception of requests for emergency orders under Trial Rule 65. All pleadings shall be on 8-1/2 x 11 inch paper. The Clerk shall refuse to accept any pleading not in compliance with this Rule.

~~3.2 Attorneys shall file a written appearance for their~~

~~client which shall contain the attorney's name, address to which notices and orders are to be sent, telephone number where the attorney can be reached during normal business hours, and attorney's Registration Number.~~

~~3.3 Pro se parties shall sign a written appearance which shall include the person's name, address to which notices and orders are to be sent, and telephone number where the person can be reached during normal business hours.~~

~~3.4 Attorneys and pro se litigants shall be responsible for seeing that the Chronological Case Summary contains a current address where notices and orders are to be sent and a current telephone number where the attorney or pro se litigant can be reached during normal business hours. The Clerk shall be promptly informed in writing of changes in address and telephone number.~~

~~3.5 All pleadings which require signatures by an attorney pursuant to Trial Rule 11(A) shall contain an original signature by the attorney. Pleadings tendered without original signatures or with facsimile signatures will not be accepted for filing, or if filed shall be subject to being stricken from the Court's records.~~

B. ~~3.6 Pursuant to Trial Rule 5(B)(1)(d), the Circuit, Superior and County Courts of Montgomery County hereby designate the~~ The "mail boxes" located next to the Clerk's office are designated as a suitable place for service of pleadings upon attorneys for whom such boxes have been provided.

C. 3.7 ~~All pleadings~~ Pleadings ~~filed with the Court~~ which require a certificate of service will not be accepted for filing where the certificate of service merely states that service has been made on "all counsel of record". A certificate of service shall specifically name the individual party or attorney on whom service has been made, his or her address, in what manner the service was made, and the date upon which service was made.

D. 3.8 Court personnel shall not be responsible for the filing of pleadings received by mail, unless certified or registered as required by Trial Rule 5~~(E)(2)~~(F). If the documents received by mail are not in proper form pursuant to the Indiana Rules of Procedure and these Local Rules ~~of Court~~, such documents will be shown as received but the deficiencies will not be corrected by court personnel and no further processing of the documents by the Clerk or Court will take place.

E. 3.9 No provision included in this rule or omitted from this rule shall relieve attorneys or litigants of their duty to keep themselves informed of the current status of their cases in Court.

~~LOCAL RULE 4~~
LR54-TR3.1-16

Withdrawal of Appearance

A. 4.1 An attorney's appearance and representation in a case may only be withdrawn upon the filing of a written motion and an order of the Court granting such motion, except in the following instances:

(1) ~~(a)~~ The party authorized the withdrawal in open court;

(2) ~~(b)~~ the party authorized the withdrawal in writing, such authorization being verified; or

(3) ~~(e)~~ there is an appearance simultaneously filed by successor counsel.

B. 4.2 The written motion shall state the reasons for withdrawal with specificity and must demonstrate written notice to the client of the intent to make application to withdraw the appearance and representation. The notice must have been given at least ten (10) days prior to filing the motion to withdraw, shall advise the client that failure to secure new counsel may result in dismissal of the client's case or in the rendering of a default judgment, shall advise of the date and time the motion will be considered, and shall advise of the status of the case and of the existence and significance of any hearing dates or deadlines established by the Court in that case. The attorney shall in all other respects comply with Rule 1.16 of the Rules of Professional Conduct.

C. 4.3 Withdrawal may not be permitted if less than 40 days remain until a trial or hearing date.

D. 4.4 No withdrawal shall be permitted if such withdrawal would deprive the Court of jurisdiction over a party.

E. 4.5 ~~Upon~~ In the granting of a motion for withdrawal, the attorney shall ~~inform the Court of~~ certify the last known ~~valid~~ address and telephone number of the ~~client~~ party if upon withdrawal no appearance is entered by new counsel.

F. 4.6 Until a withdrawal is granted the attorney continues

to be responsible for all aspects of the case, including attending all trials and hearings.

G. 4.7 Withdrawal of appearance in criminal cases will only be allowed pursuant to I.C. 35-36-8-2. A hearing shall be held, with the defendant present, on all motions to withdraw based upon the grounds set forth in I.C. 35-36-8-2(b)(3-5).

~~LOCAL RULE 5~~
~~LR54-TR00-17~~

Proposed Orders

~~5.1 No motion, petition or other request for relief shall be filed without a proposed order. Opposing counsel are further requested, where possible, to submit to the Court proposed alternative orders.~~

A. 5.2 The Court shall not be required to act on any motion, petition or other request for relief unless a proposed order is tendered. ~~and is in compliance with Local Rule 4.1.~~

B. 5.3 All proposed orders submitted by counsel shall meet the following requirements:

- (1) ~~A.~~ Contain a complete distribution list of all attorneys and/or pro se litigants with ~~full~~ complete addresses.
- (2) ~~B.~~ Include a sufficient number of copies of such proposed order as follows: Original for Court, copy for Court file, one copy for each attorney and/or pro se litigant, and sufficient copies for service by Clerk ~~of~~ or Sheriff.
- (3) ~~C.~~ Include envelopes appropriately addressed,

postage prepaid, for each attorney and/or pro se litigant on the distribution list, unless the attorney has a mail box in the Clerk's office.

~~LOCAL RULE 6~~
~~LR54-TR40-18~~

Trial Settings

A. ~~6.1~~ All requests for trial settings or other evidentiary hearings shall include the following information:

(1) A. ~~Type of trial or hearing (i.e. jury trial, court trial, final hearing in dissolution, etc.).~~

(2) B. ~~An honest, good-faith estimate of the court time needed for the trial or hearing.~~

B. ~~6.2 Each request under MCLR 6.1 shall be accompanied by a~~ A proposed written order shall be tendered with appropriate blanks for date and time ~~and shall further include reference to those items set forth in MCLR 6.1 A and B.~~

C. ~~6.3~~ Every opposing attorney or pro se litigant who receives such an order and either has a conflict with the setting or disputes the estimate of court time needed for the trial or hearing, or both, shall first contact the attorney or pro se litigant who obtained the setting and attempt to resolve the scheduling problem and agree on the date and amount of time for the trial or hearing. If unable to resolve the problem, the opposing party or pro se litigant shall then notify the Court in writing within ten (10) days of the receipt of the original order and give their honest, good-faith estimate of the court time needed.

~~LOCAL RULE 7~~
LR54-TR53.5-19

Continuances

A. ~~7.1~~ All motions for continuance shall be in writing, and shall be verified if filed by a pro se litigant.

B. ~~7.2~~ The motion must be filed promptly upon the discovery of the cause therefor. Motions for continuance, including agreed motions, must be filed at least five (5) days, excluding Saturday, Sunday and holidays, before a court trial or hearing, and at least ten (10) days before a jury trial, unless good cause is shown.

C. ~~7.3~~ Withdrawal or change of attorneys, in and of itself, shall not be sufficient basis for continuing a trial or hearing.

D. ~~7.4~~ Motions for continuance shall include the following information:

- (1) ~~A.~~ The specific reason the continuance is necessary (general assertions, e.g., "unavailability of counsel", "unavailability of witness", "other commitments", etc., shall be subject to summary denial).
- (2) ~~B.~~ Whether ~~or not~~ opposing counsel has been advised that a continuance will be requested.
- (3) ~~C.~~ Whether ~~or not~~ opposing counsel agrees to ~~said~~ the continuance.
- (4) ~~D.~~ The date and time of the hearing or trial for which a continuance is sought.
- (5) ~~E.~~ The approximate amount of time needed for such

hearing or trial upon rescheduling.

~~7.5 All motions for continuance shall be accompanied by a proposed order containing a blank for the Court to set a new date and time for the hearing or trial.~~

E. 7.6 All motions for continuance must be signed by the party who is requesting it or whose attorney is requesting it. If the party does not sign the motion, signature by the attorney is certification that the party has been notified of the request, agrees to the continuance, and understands the reason for which the continuance is sought.

F. 7.7 Such motion and any accompanying affidavits or documents shall be served ~~on~~ upon opposing counsel or the opposing party in person unless there is a showing that opposing counsel or the party has acquiesced or agreed to the motion to continue. The motion to continue will not be granted as a matter of course or as a matter of right. Unless the opposing party or attorney agrees or acquiesces in the motion, the motion will not be granted ex parte and the Court will not rule on the motion until three (3) days after filing (six (6) days if served by mail).

G. 7.8 The motion to continue, if granted, may be granted subject to the payment of costs or expenses connected with the continuance or for the delay of the trial or hearing which are necessarily incurred by the parties or by the Court.

H. 7.9 Under no circumstances and in no case will any matter be continued or removed from the Court's hearing or trial

calendar without order of the Court granting such continuance or removal from the calendar.

~~LOCAL RULE 8~~
~~LR54-TR16-20~~
Pre-Trial Case Management Conferences

A. ~~8.1~~ Status Conference

- (1) ~~A.~~ A status conference may be set in any pending case on the motion of any party or on the motion of the Court. A status conference shall be held in every matter requiring one day or more of trial time.
- (2) ~~B.~~ A status conference should be requested and set as soon after the initiation of the case as is reasonable, allowing the attorneys and the parties sufficient time to acquaint themselves with the nature of the case. The setting should be within 90 to 180 days after the initiation of the case.
- (3) ~~C.~~ The purpose of the status conference is to schedule the disposition of the case and to establish a timetable for pre-trial procedures. The attorneys shall bring their calendars to the status conference, or have their calendar available if the conference is conducted by telephone, so that scheduling conflicts will be avoided. Matters to be scheduled at the status conference are as follows: Trial; final pre-

trial conference; settlement conference; use of alternative dispute resolution; conclusion of discovery; exchange of preliminary and final lists of witnesses and exhibits and statements of contentions; names and reports of experts; filing of motions for summary judgment, briefing schedule and hearing date; filing of preliminary and final instructions, motions in limine and trial briefs.

(4) ~~D.~~ The Court will ~~have~~ enter an order ~~prepared as a result of the status conference. The order will detail~~ including the schedule agreed upon by the parties and the Court₇. ~~will provide that the~~ The schedule may not be altered absent the agreement of the Court₇. ~~and will provide that the status conference will control the progression of the case.~~

(5). ~~E.~~ The status conference may be held by telephone conference call. Upon scheduling the status conference, the Court shall designate the party responsible for arranging The ~~arrangements for~~ the conference call. ~~in lieu of personal appearance for the status conference may be made by any of the parties or the Court itself.~~ Such arrangements shall be made far enough ahead of the scheduled

conference time to allow every participant to be apprised of the manner in which the conference will be held.

B. ~~8.2~~ Settlement Conference

(1) ~~A.~~ A settlement conference may be set in any pending case on the motion of any party or on the motion of the Court.

(2) ~~B.~~ The motion requesting a settlement conference ~~should~~ shall be accompanied by a memorandum informing the Court of the nature of the case, the history of settlement negotiations, an indication of any particular impediment to negotiations, and advising the Court what benefit a settlement conference with the Court might provide to the parties. The Court must be assured that the parties have made serious, good faith efforts to negotiate prior to requesting a settlement conference.

(3) ~~C.~~ The Court may require that the parties ~~to the action~~ be present in person. If a party ~~to the action~~ is an entity other than an individual, that entity shall be represented in person by an officer or an agent delegated to the specific task and who has the authority to negotiate a final settlement on behalf of that entity. Any insurer or entity having authority

to approve any final settlement shall be present by a representative having authority to enter into a final settlement.

(4) ~~D.~~ Before the settlement conference each party and the attorney for each party must have carefully reviewed the case and their position, evaluated the same, and arrived at a realistic appraisal of the value, strength and the likelihood of success of their side of the case.

(5) ~~E.~~ The settlement conference may be scheduled at any time after the case has been pending a sufficient length of time to allow for adequate discovery and accurate evaluation of each side of the case.

~~8.3 Attorneys Conference~~

~~A. In any case wherein a pre-trial conference is scheduled either by status conference order or by other order of the Court, the attorneys shall arrange, prepare for, and hold an attorneys conference as contemplated by Trial Rule 16. At that conference the attorneys shall address each of the subject areas described in Trial Rule 16(C) that apply to the particular case. The attorneys shall also address other issues which are germane to the case and which are appropriate to an attorneys conference.~~

~~B. As a result of the attorneys conference the~~

~~attorneys shall draft a proposed pre-trial order to~~
~~present to the Court at the pre-trial conference.~~

C. 8.4 Final Pre-trial Conference

(1) A. The final pre-trial conference shall be attended by counsel who will try the case and who have the authority to bind the party represented with finality in any aspect that may arise during the final pre-trial conference.

(2) B. The Court may require that the parties attend the final pre-trial conference or that they be available for immediate consultation with their attorneys. If a party is an entity other than an individual, that entity shall have available an officer or agent who has the full and final authority to negotiate a final settlement or to make any other commitment or take any other action with regard to that party as may arise during the final pre-trial conference. Any insurer or entity having authority to approve any final settlement shall be present by a representative having authority to enter into a final settlement.

~~C. The provisions of Trial Rule 16 shall govern the procedure of the pre-trial conference.~~

~~D. The topics to be covered at the pre-trial~~

~~conference and for the discussion of which the~~
~~attorneys should be prepared shall include, but not be~~
~~limited to, the following: Discovery, pending motions,~~
~~motions to be filed, stipulations, the filing and~~
~~exchange of final lists of witnesses and exhibits and~~
~~final statement of contentions, the filing and exchange~~
~~of preliminary and final instructions, the filing and~~
~~exchange of trial briefs, motions in limine, any~~
~~unusual instructions or questions of law, the use of~~
~~alternative dispute resolution, and settlement. Other~~
~~topics to be covered at the pre-trial conference may~~
~~include any topic contemplated or referred to in Trial~~
~~Rule 16.~~

~~E. A final pre-trial order shall be prepared as a~~
~~result of the final pre-trial conference reflecting the~~
~~agreements and the decisions made concerning the topics~~
~~listed above and pursuant to Trial Rule 16(J).~~

~~8.5 Other Pre-trial Conferences~~

~~Other pre-trial conferences may be scheduled on motion~~
~~of any party showing the need therefor, by agreement of~~
~~the parties, or upon motion of the Court.~~

LOCAL RULE 9 **LR54-TR79-21**

Special Judges

A. 9.1 After a Special Judge is selected, the caption of
all pleadings filed thereafter shall designate "BEFORE SPECIAL
JUDGE _____" immediately below the cause number.

B. 9.2 A copy of each pleading or each paper filed with the Court after a Special Judge has qualified shall be mailed or delivered to the office of that Special Judge by the counsel or litigant with service indicated on the certificate of service.

~~LOCAL RULE 26~~
~~LR54-TR79-22~~

Transfer of Jurisdiction

A. 26.1 It may, from time to time, be expedient for the Judges of the Montgomery Circuit, ~~and~~ Superior and County Courts to transfer cases between ~~those~~ the courts. This shall be done with the consent of the two judges involved in the transfers, ~~pursuant to I.C. 33-5-36.6-9.~~

B. If ~~such a case is transfer~~ transferred ~~is consummated~~, a any request for a change of judge or county may be made by a party ~~still~~ entitled thereto, in accordance with the provisions of Trial Rule 76~~(6)~~.

C. 26.2 It may, from time to time, be expedient for the Judges of the Montgomery Circuit and Superior Courts to hear cases pending in the other court. ~~Pursuant to I.C. 33-5-36.6-10, both judges must agree thereto.~~ If the matter proposed to be heard by one of the judges in the other court is not an emergency, and if it is actively contested, any party or counsel of record may make timely objection to the hearing of such matter by the other judge, and ~~said~~ the objection shall be sustained.

D. 26.3 ~~Pursuant to I.C. 33-5-36.6-10, the~~ The Judge of the Montgomery Circuit Court authorizes the Judge of the Montgomery Superior Court to sit as Judge of the Montgomery Circuit Court,

at any time, in any case.

~~E. Pursuant to I.C. 33-5-36.6-10, the~~ The Judge of the Montgomery Superior Court authorizes the Judge of the Montgomery Circuit Court to sit as Judge of the Montgomery Superior Court, at any time, in any case.

~~This authority shall remain in force until further order.~~
F. A Judge of any of the three courts may sit in any of the other courts as judge pro tempore or as special judge.

G. In the event the regular judge of the Circuit or County Court must recuse because the judge's spouse is acting as a lawyer in a proceeding, the judge of the Superior Court shall be appointed as Special Judge in the proceeding. If the judge of the Superior Court declines to qualify in a particular case, a Special Judge shall be selected pursuant to Trial Rule 79(H).

~~LOCAL RULE 12~~
~~LR54-TR26-23~~

~~Interrogatories and Requests for Admission:~~
~~Form and Limitation of Number~~

~~Discovery~~

A. 12.1 ~~Answers or objections~~ Objections to interrogatories or requests for admissions under Rule 33 and Rule 36 of the Indiana Rules of Civil Procedure shall set forth in full the interrogatory or request for admission being answered or objected to immediately preceding the answer or objection. Objections admission shall be stated with specificity and certainty and the reasons therefor shall be accompanied by citation of legal authority, ~~if any.~~

B. 12.2 ~~Mimeographed or otherwise duplicated~~ Duplicated

forms are discouraged and shall not be filed or served upon a party unless each interrogatory, request for admission or request for production of documents on such form is consecutively numbered and applicable to the case in which the same is filed and served. The intent and purpose of this Rule is to prohibit the filing of ~~mimeographed or otherwise~~ duplicated forms of "stock" interrogatories and requests for admission except where the nature of the case or the number of parties make the use of such forms necessary.

C. 12.3 No party shall serve on any other party more than twenty-five (25) interrogatories or requests for admission other than requests relating to the authenticity or genuineness of documents without leave of Court. Subparagraphs shall relate directly to the subject matter of the interrogatory or request for admission. Any party desiring to serve additional interrogatories or requests for admission shall file a written motion setting forth the proposed additional interrogatories or requests for admission and the reasons establishing good cause for their use.

~~12.4 No interrogatories or requests for admission shall be allowed in Small Claims matters except as provided by order of the Court pursuant to Small Claims Rule 6.~~

~~12.5 No deposition or request for discovery or response thereto under Trial Rules 27, 30, 31, 33, 34, 35, or 36 shall be filed with the Court unless:~~

~~—— A. A motion is filed for a protective order pursuant~~

~~_____ to Trial Rule 26(C) or for an order compelling discovery pursuant to Trial Rule 37 and depositions or discovery requests and responses are necessary to enable the Court to rule;~~

~~_____ B. A party intends to use a deposition, request for discovery, or response for evidentiary purposes at trial or in connection with a motion for summary judgment or a motion under Trial Rule 12, and the Court, either on its own motion or that of any party, or as a part of any pre-trial order, orders the filing of the original; or~~

~~_____ C. Depositions, requests for discovery, or responses are to be used at trial or are necessary to a pre-trial motion which might result in a final order on any issue, in which event those portions to be used shall be filed with the Court at the outset of the trial or upon the filing of the motion insofar as their use can be reasonably anticipated; or~~

~~_____ D. A deposition, request for discovery or response is required by a party for inclusion in the record of proceedings for use on appeal, in which event the party having custody of the original shall, upon request of the party taking the appeal, cause it to be filed with the Court.~~

~~_____ 12.6 The original of any request for discovery or response thereto under Trial Rules 33, 34, 35, and 36, and the original of~~

~~a deposition (or a copy deemed an original under Trial Rule 30(E)(4)) shall be maintained by the party who originated the request or response or who took the deposition, until the original is filed with the Court pursuant to MCLR 12.5 or until the later of final judgment, agreed settlement of the litigation or exhaustion of all appellate rights.~~

~~12.7 To avoid delays in the administration of justice, the Court shall not hear motions seeking to compel discovery, for sanctions, or seeking protection against discovery under Trial Rule 26 through Trial Rule 37, unless moving counsel shall first certify in writing, as a part of the motion, that after a meeting and sincere attempts to resolve differences, counsel remain unable to agree. The certification shall recite the date, time and place of the meeting and the names of counsel participating. If counsel for a party informs the Court in writing that opposing counsel has refused to meet or delayed a meeting to resolve discovery disputes as contemplated by this subsection, the Court shall take appropriate action.~~

~~LOCAL RULE 13~~

~~Support Orders~~

~~13.1 Preliminary and final agreements and orders in dissolution of marriage, child support and legal separation cases which provide for the payment of child support in an amount which does not conform to the Indiana Child Support Guidelines shall set forth the factual basis for deviation from the guideline amount.~~

~~13.2 Indiana Child Support Guideline worksheets shall be submitted to the Court in each case in which the Court is asked to determine support, including cases in which agreed orders are submitted, and shall be signed by both parties, not their counsel, under penalties for perjury. Such worksheets shall be completed in full by each party, exchanged, and filed with the Court not less than three (3) days prior to trial or hearing in all contested matters involving child support.~~

~~LOCAL RULE 19~~
~~LR54-TR47-24~~

Voir Dire

A. ~~19.1~~ The purposes of voir dire examination of prospective jurors are to select a fair and impartial jury, to discover any basis for challenge for cause, and to gain knowledge for the exercise of peremptory challenges.

B. ~~19.2~~ Juror questionnaires shall be on file with the Court and copies shall be made available to counsel ~~during the week~~ prior to trial. It shall be counsel's responsibility to obtain such copies and review them prior to beginning voir dire examination.

C. ~~19.3~~ The Court shall place under oath the entire jury venire and all the members thereof shall remain in the courtroom during voir dire examination unless the Court orders otherwise.

D. ~~19.4~~ The Court may conduct the entire voir dire examination. If it does, counsel will be advised at the pre-trial conference and will be given the opportunity to submit written questions or lines of inquiry to the Court for the

Court's use in voir dire, up until no later than 72 hours prior to commencement of trial. During the course of voir dire examination counsel shall have the opportunity to supplement such written questions or lines of inquiry by submitting additional written questions or lines of inquiry to the Court.

E. 19.5 In all cases the Court shall commence voir dire examination by questioning the venire as a whole with a view to establishing any bases of challenge for cause.

F. 19.6 Any challenge for cause must be made by counsel at the time it becomes known, or the challenge will be deemed waived.

G. 19.7 Upon the Court completing its examination of the venire, counsel shall have the opportunity to conduct voir dire examination of the panel seated in the jury box. Counsel shall not question those panel members if the question has already been asked and answered, if the question is based on anticipated instructions, if the question is based on a hypothetical situation which is counsel's own thinly veiled version of the facts of the case being tried, if the answer to the question is in the jury questionnaire, or if the question relates to insurance carriers, coverage, or raises the innuendo of insurance involvement in the case in any way.

H. 19.8 If the Court sets a time limit on counsels' voir dire examination, it shall do so at the pre-trial conference. Otherwise counsel will be expected to question efficiently and use only a reasonable amount of time.

I. ~~19.9~~ The party having the burden of proof shall proceed first, and the opposing side will follow in each round of questioning. Each side shall have only one opportunity to examine each member of a seated panel.

J. ~~19.10~~ After each side has completed examination of the panel, peremptory challenges shall be made in writing, given to the Court, and the Court will excuse the challenged juror. Such challenges shall be made without comment and without consultation between opposing sides. If both sides excuse the same juror, each side will be charged with one peremptory challenge. If no challenges are made, counsel shall hand the Court a written acceptance of the panel as seated. Prospective jurors not challenged as set forth herein shall be deemed accepted.

K. ~~19.11~~ If peremptory challenges are made and prospective jurors excused, replacement jurors will be seated in the jury box and each side will have the opportunity to question such replacement jurors and to challenge them as set forth above for the original panel. Questioning and peremptory challenges in rounds following the examination of the original panel shall be limited to the replacement jurors only. Successive rounds of examination shall continue until a jury is selected. Alternate jurors, if ordered by the Court, shall be examined and selected by this procedure.

L. ~~19.12~~ A prospective juror empanelled for voir dire examination who is not removed either for cause or peremptorily at the first opportunity for challenging is accepted as a juror

and may not thereafter be challenged peremptorily, and may be challenged for cause only if such cause becomes known after the voir dire examination of such juror.

M. 19.13 Only one attorney per party may question prospective jurors, object or argue objections in each round.

~~LOCAL RULE 20~~
~~LR54-TR74-25~~

Transcripts

A. 20.1 When an appeal is initiated by the filing of a ~~praeceipe for the record~~ Notice of Appeal pursuant to Appellate Rule 2 9(A) of the Rules of Appellate Procedure and a transcript for all or any part of the evidence is ~~sought~~ requested for the record on appeal, ~~counsel~~ the person filing the ~~praeceipe~~ Notice of Appeal shall contemporaneously ~~personally~~ deliver a copy of the ~~praeceipe notice~~ to the ~~Court-Reporter~~ court reporter and inform the reporter of the deadline for filing the ~~record~~ transcript.

B. 20.2 All requests for transcripts, whether or not for purposes of appeal, shall be made in writing.

C. 20.3 All requests for transcripts, ~~including those by praeceipe for the record for an appeal~~, shall be accompanied by tender to the ~~Court-Reporter~~ court reporter of payment of the estimated cost of preparation of the transcript~~7~~. ~~except for indigent~~ Indigent criminal defendants, indigent civil litigants who file affidavits of indigency and are granted a transcript without payment, and certain governmental agencies are excepted from the advance payment requirement.

Appendix A

LOCAL RULE 17

Visitation Guidelines

Local Rule 17 is excluded for historical purposes because it was incorporated by reference in many orders and decrees prior to the adoption of the Indiana Parenting Time Guidelines, effective March 31, 2001.

It is usually in the child's best interest to have frequent, meaningful and continuing access to each parent. A visitation agreement made by both parents is preferred to a court-imposed solution. However, if parents are unable to agree on visitation, the following guidelines shall be used in most cases. In situations where the non-custodial parent may not have had on-going contact with the children, initial visitation may be shorter. Further, these provisions may not be applicable to very young children or in situations where geographical distances between parents make compliance impossible. The parents, in exercising visitation, should be flexible enough to adapt to the circumstances, the child's age, on-going activities, and any religious holidays not set out below.

Sole Custody

In sole custody orders, the primary care, custody and control of the minor children of the parties is granted to the custodial parent, subject to reasonable visitation by the non-custodial parent at such times and places as may be mutually agreed upon by the parties. If the parties do not agree, the following shall be considered the minimum visitation to which the

non-custodial parent shall be entitled:

- (1) Alternating weekends from 6:00 p.m. on Friday until 6:00 p.m. on Sunday.
- (2) In years ending in an odd number:
 - (a) The night before each child's birthday;
 - (b) Easter Sunday;
 - (c) Independence Day;
 - (d) Thanksgiving;
 - (e) From 12:00 noon on December 25 until 6:00 p.m. on December 26.
- (3) In years ending in an even number:
 - (a) Each child's birthday from 9:00 a.m. until 6:00 p.m.;
 - (b) Memorial Day;
 - (c) Labor Day;
 - (d) From 9:00 a.m. on December 24 until 12:00 noon on December 25.
- (4) Every year on Mother's Day weekend if non-custodial parent is the mother, or Father's Day weekend if non-custodial parent is the father;
- (5) During summer, for pre-school age children, two nonconsecutive weeks, to be determined by May 1 of each year.
- (6) During summer, for school-age children, two nonconsecutive two-week periods, to be determined by May 1 of each year.

- (7) There shall be no weekend visitation during the period the extended visitation is exercised.
- (8) If support obligation is current, support shall abate by 50 percent during the summer visitation set out in paragraphs (5) and (6). If support is not current, the 50 percent which would have abated shall be paid and shall apply to the existing arrearage.

Unless prior arrangements are made, the non-custodial parent shall pick up the children at the times specified and return them at the times specified, and the custodial parent shall have the children ready for visitation at the time they are to be picked up and shall be present at the home to receive the children at the time they are to be returned.

The non-custodial parent shall give the custodial parent not less than three (3) days prior notice if he or she does not intend to exercise visitation, unless an emergency situation exists, in which case he or she will give as much notice as is possible under the circumstances.

Each parent shall supply the other with his or her current address and telephone number and inform the other of all changes. Each parent shall allow liberal but reasonable telephone and mail privileges with the children.

The custodial parent shall provide copies of all school and medical reports within five (5) days of their receipt and shall immediately notify the other parent in the event of a medical

emergency. The custodial parent, within 24 hours of learning of such function, shall inform the non-custodial parent of school and social functions permitting the non-custodial parent's participation.

Neither visitation nor child support is to be withheld due to either parent's failure to comply with a Court order. If a dispute arises, the parties should first attempt to resolve the dispute through counseling or mediation.

If the parties agree to change the provisions of their decree of divorce, they shall petition the Court to approve and order such change. In the event that the parties do not obtain a Court order, the Court shall not be bound by any alleged agreement of the parties.